

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RICHARD GLOSSIP,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-08-326-HE
)	
RANDALL WORKMAN, Warden,)	
Oklahoma State Penitentiary,¹)	
)	
Respondent.)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME
AND BRIEF IN SUPPORT**

COMES NOW the Respondent, Marty Sirmons, Warden, Oklahoma State Penitentiary, by and through Seth S. Branham, Assistant Attorney General, and requests an extension of time of fifteen (15) days, or until January 20, 2008, in which to file the State's response to Petitioner's *Petition for a Writ of Habeas Corpus* (Doc. 25) filed with this Court on November 3, 2008. In support thereof, Respondent shows the following:

1. Mark Henricksen, counsel for Petitioner, has no objection to this motion for extension of time being granted in this death penalty habeas case.
2. Pursuant to the Magistrate's scheduling order, Respondent's response to Petitioner's § 2254 petition is currently due January 5, 2009. *See* Doc. 13.

¹ Randall Workman replaced Marty Sirmons as Warden of Oklahoma State Penitentiary on December 15, 2008. Fed. R. Civ. P. 25(d).

3. No previous extensions of time have been requested by Respondent for his response to Petitioner's § 2254 petition.

4. Undersigned counsel has been unable to complete the State's response because of the complexity and sheer volume of issues contained within the 183 page habeas petition filed by Petitioner, work required on another death penalty case, as well as time devoted towards responding to Petitioner's motion for discovery.

5. In the past 60 days, undersigned counsel has devoted extensive time and work towards completion of the State's response brief in *Davis v. State*, No. D-2007-891, a death penalty direct appeal pending with the Oklahoma Court of Criminal Appeals. Undersigned counsel filed the State's 100 page response brief in that case on December 22, 2008, as well as a separate response to Davis's application for evidentiary hearing on ineffective assistance claims.

In addition, I devoted considerable time in this case towards researching and preparing the response to Petitioner's second discovery motion which involved several complex issues, including exhaustion of state remedies. *See* Doc. 32.

While I have commenced work on the response brief to Petitioner's § 2254 petition, its preparation has simply taken more time than originally anticipated. Its preparation is requiring time consuming review of the record on appeal, in addition to the research and writing of the brief. The requested extension of time is therefore necessary for Respondent to provide this Court with a coherent, complete and helpful response to the numerous issues contained within Petitioner's § 2254 petition.

6. The only impact on any deadlines in this case from the granting of this request will be to extend the date requested. No hearing dates are set in this case. Petitioner has already filed his § 2254 petition and accompanying motion for discovery. His motion for evidentiary hearing, based on the claims already contained in his § 2254 petition, remains due on December 31, 2008.

CONCLUSION

Therefore, for good cause shown, Respondent requests that this Court extend the time in which to respond to Petitioner's *Petition for a Writ of Habeas Corpus* (Doc. 25) to January 20, 2009.

Respectfully submitted,

s/ SETH S. BRANHAM
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

On this 30th day of December, 2008, I certify that a true and correct copy of the foregoing was electronically transmitted to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/ SETH S. BRANHAM
